

MEMORANDUM

3 June 1947

TO : 25X1A

FROM : Assistant Chief, Finance Division

SUBJECT: Regulations Pertaining to Leave for Overseas Personnel

OGC HAS REVIEWED.

In furtherance of the meeting held on 28 May 1947 in the Office of the Executive for P & A, it is desired to present for your consideration the basic provisions and limiting instructions pertaining to the return of personnel from abroad for leave and other purposes. The present policy of this Agency with respect to requiring individuals who are assigned to overseas duty to remain overseas a minimum of 24 months is outlined in CIG Administrative Order dated 31 December 1946. 25X1A

In those instances where a Mission has an employee with the required 24 months or more of overseas service and the Chief of Mission desires to return the employee to the United States, such return must be made under one of the following three categories:

1. Return to U.S. for Primary Purpose of Taking Leave

An employee may be placed in a leave status at the time he leaves his post of duty and be allowed to return to the U.S. at his own expense, take his vacation in the U.S., return to his post of duty abroad at his own expense and resume duty status effective upon date of reporting back at his foreign post. There is no objection if it is possible for the Mission or individual to do so, to secure orders and arrange transportation at no direct cost to the Government. However, this is exceedingly difficult at present because of the lack of such transportation facilities and also, for the further reason that current reimbursement would normally be required of this Agency for any direct cost incurred by ATC or other similar transportation facility. An employee returning for the primary purpose of taking leave should clearly understand that the CIG has no obligation for paying any costs of any kind connected with his travel to or from the U.S. and that if any costs are incurred, they must be borne personally by the employee.

2. Return to U.S. for the Purpose of Effecting Permanent Change Of Station

An employee may be returned to the U.S. on PCS orders via government or authorized commercial transportation in an actual duty status and the government pay the costs of transportation and

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reimburse the employee for per diem and other authorized expenses incurred en route. The return to the U.S. on PCS may be made when properly authorized in advance for the performance of duty in connection with an indefinite assignment in the U.S. or for the purpose of release from the Agency upon completion of the foreign assignment.

3. Return to the U.S. for Temporary Duty

An employee may be returned to the U.S. on TDY orders via government or commercial transportation, and this Agency can pay the cost of transportation and reimburse the employee for per diem and other authorized expenses incurred en route, provided the employee actually spends the major portion of his time in the U.S. in a duty status (normally not less than 30 days) as previously determined and authorized, and not in a leave status. If an employee is authorized to return to the U.S. on TDY orders and spends only several days in a duty status and then goes on leave for 30 or 60 days and subsequently returns to duty and proceeds shortly thereafter to his overseas station, this Agency would have no proper basis for paying any transportation expenses in connection with the trip. Although in this case, the employee's travel orders show that the purpose of the travel was "Temporary Duty", the facts would be such that the General Accounting Office, under existing statutes and regulations, would be required to conclude that the primary purpose of the travel was for "leave" and the tour of duty performed was only incidental. It is, of course, possible for an employee who is on temporary duty in the U.S. to be granted leave, but only where the facts are such that it can be clearly established that the primary purpose of the employee's return to the U.S. was to perform duty, and that the taking of leave was incidental to the work he performed.

The restrictions outlined above are necessary because of the lack of any statutory authority to pay the cost of travel for leave purposes. It is not a matter for administrative determination and we have no authority to pay travel expenses except as indicated above in connection with the return of an employee from an overseas assignment until or unless legislation is passed which will permit payment of travel for leave purposes in the same manner as for employees of the State Department. In this connection, particular attention is directed to Paragraph 2 of GIG Administrative Order [] which relates to the return of employees for retraining, reorientation and possible reassignment.

The General Accounting Office has ruled that in each case where leave is taken while in a travel status, all related facts upon completion

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of the travel must be taken into consideration in order for an appropriate determination to be made as to the propriety of reimbursing the employee for travel expenses and per diem. An employee permanently assigned abroad should not depart for return to the U.S. without prior Washington approval. Therefor, when it is desired to return an employee to the U.S. for any purpose, information should be obtained from the Chief of Mission setting forth the following information:

1. Desired date of departure and desired mode of transportation.
2. Period of time employee is scheduled to spend in a duty status while in the U.S. and the probable amount of leave to be taken if any.
3. Complete explanation and justification for the return.

After receipt of this information and coordination with the appropriate officials in the Washington, D.C. Office, appropriate advice should be pouched or cabled to the Mission.

For your ready use and distribution, there are attached four additional copies of this memorandum. It is suggested that a copy be transmitted with clarifying instructions issued by your office to the Chief of each foreign installation.

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General Counsel

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